

BEFORE THE UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD

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In the matter of:	:	<u>NOTICE OF VIOLATION</u>
	:	
Darren Bradshaw	:	
182 South 200 West	:	
Hurricane, Utah 84737,	:	
	:	
Scott Stratton	:	
365 West Center	:	
La Verkin, Utah 84745,	:	
	:	
and	:	
	:	
Lyndon Bradshaw	:	
140 West 390 North	:	
Hurricane, Utah 84737	:	
	:	
	:	<u>NUMBER 0406014</u>

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This **NOTICE OF VIOLATION** is issued by the UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD (the Board) pursuant to the *Utah Solid and Hazardous Waste Act* (the Act). Section 19-6-101, et seq., Utah Code Annotated (UCA) 1953, as amended. The Board has delegated to the Executive Secretary authority to issue such NOTICES and ORDERS in accordance with Subsections 19-6-107(7) and 19-6-112(1) and (2) of the Utah Code Annotated.

FINDINGS

1. Darren Bradshaw was the owner of a lumber home located at 182 South 200 West, Hurricane, Utah, that was demolished and the demolition waste was hauled to, and placed on, property located south of 600 North approximately 500 feet west of the Hurricane City Maintenance Building.
2. The property located on the south side of 600 North approximately 500 feet West of the Hurricane City Maintenance Building is owned by Lyndon Bradshaw.
3. The demolition waste was hauled to the above-mentioned site by Scott Stratton.

4. Darren Bradshaw, Scott Stratton, and Lyndon Bradshaw are subject to the provisions of the Utah Administrative Code (UAC) R315-301 through 320, titled the *Utah Solid Waste Permitting and Management Rules* and applicable provisions of the *Utah Solid and Hazardous Waste Act*.
5. The waste generated from the demolition of buildings and other structures is a solid waste as defined by UCA 19-6-102(17).
6. Placement of waste on the ground constitutes disposal as defined by UCA 19-6-102(6).
7. UAC R315-301-4 requires that disposal of solid waste be done in compliance with UAC R315-301 through 320 including R315-301-5 which requires a permit for disposal facilities.
8. Neither Darren Bradshaw, Scott Stratton, Lyndon Bradshaw nor any other person holds a Solid Waste Permit, issued by the Executive Secretary of the Utah Solid and Hazardous Waste Control Board, to dispose of solid waste on the said Lyndon Bradshaw property.
9. On August 4, 2003, the demolition waste on the above-mentioned property was inspected and photographed by a representative of the Division of Solid and Hazardous Waste.
10. In a telephone conversation on August 4, 2003 with a representative of the Division of Solid and Hazardous Waste, Darren Bradshaw stated that the demolition waste had been hauled to the above-mentioned site to be burned. The Division representative informed Mr. Bradshaw that it was illegal to burn demolition waste and that the waste must be removed from the site to a permitted landfill.
11. On August 19, 2003, Darren Bradshaw, Scott Stratton, and Lyndon Bradshaw received a letter, dated August 11, 2003, from the Executive Secretary outlining the options for the legal disposal of the demolition waste and stating that the waste may not be burned. Also, the letter was clear that if the waste were to be burned, enforcement action would be initiated against the owner of the waste, the transporter of the waste, and the property owner.
12. On September 25, 2003, the Division received a letter from Darren Bradshaw stating that he would remove the waste from the above-mentioned site within six months of the date of the letter, September 16, 2003.
13. The above-mentioned site was inspected and photographed by representatives of the Division on August 29, 2003 and on March 8, 2004. On the March 8, 2004 inspection it was noted that three smaller piles of tree trimmings had been added to the site.

14. On April 9, 2004, a private citizen and two Hurricane City public works personnel reported to the Division that, on or about March 24, 2004, the demolition waste at the above mention site had been burned. The Hurricane City personnel stated that the fire burned for at least two days.
15. On April 10, 2003, the site was inspected and photographed by a representative of the Division. The site had been scraped clean and from a distance of 75 to 100 feet, the site appeared as if no waste had ever been there with no evidence of a fire. On closer inspection, there was ample, obvious evidence of a recent large fire.

DETERMINATION OF VIOLATIONS

Based on the previously stated findings, the Executive Secretary of the Utah Solid and Hazardous Waste Control Board has determined that Darren Bradshaw, Scott Stratton, and Lyndon Bradshaw have violated provisions of the Utah Administrative Code and the Utah Code Annotated. Specifically, the above named parties have violated the following.

1. UAC R315-301-3 by failing to manage and dispose of solid waste in a manner that complies with applicable provisions of UAC R315-301 through 320.
2. UAC R315-301-4 by failing to dispose of solid waste in a facility that is in compliance with applicable provisions of UAC R315-301 through 320.
3. UAC R315-301-5 and UCA 19-6-108(3)(a) by operating a solid waste disposal facility without obtaining a permit from the Executive Secretary of the Utah Solid and Hazardous Waste Control Board.

COMPLIANCE, OPPORTUNITY FOR A HEARING

This NOTICE OF VIOLATION is effective immediately. UCA 19-6-113(2) provides that violators of the *Solid and Hazardous Waste Act* or any ORDER issued thereunder may be subject to a civil penalty of up to \$10,000 per day for each day of violation. UAC R315-12 and R315-317-3(2) provide the opportunity to contest the NOTICE OF VIOLATION by filling a written request for agency action before the Board. The written request must be filed with the:

(Mailing Address)

Utah Solid and Hazardous Waste Control Board
Utah Division of Solid and Hazardous Waste
PO Box 144880
Salt Lake City, Utah 84114-4880

(Street Address)

Utah Solid and Hazardous Waste Control Board
Utah Division of Solid and Hazardous Waste
288 North 1460 West
Salt Lake City, Utah 84116.

The filing of a written request for a hearing before the Board and for Agency Action must be received within 30 days of issuance of this NOTICE OF VIOLATION. The NOTICE OF VIOLATION will become final in 30 days if not contested. Failure to contest the NOTICE OF VIOLATION waives any rights of administrative review or judicial appeal.

Dated this _____ day of _____, 2004.

Original Document Signed by Dennis R. Downs on 6/1/04

By: _____
Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board